

United Nations  
Nations UniesInternational Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yougoslavie

## “OMARSKA & KERATERM CAMPS” (IT-02-65/1)

# PREDRAG BANOVIĆ



### PREDRAG BANOVIĆ

*Convicted of persecutions on political, racial or religious grounds*



Guard at the Keraterm camp, established by Bosnian Serb forces in mid 1992, located on the site of a ceramics factory on the eastern outskirts of Prijedor, a town in the north-western region of Bosnia and Herzegovina

- Sentenced to **8 years' imprisonment**

#### *Crimes convicted of (examples):*

#### **Persecutions on political, racial or religious grounds (crimes against humanity)**

- Predrag Banović murdered five prisoners as a result of participating in beatings.
- He beat twenty-seven detainees using various harmful weapons including baseball bats, truncheons, cables and iron balls. Two of the detainees in question were shot.
- He participated in the confinement in inhumane conditions, harassment, humiliation and psychological abuse of non-Serbs detained at the Keraterm camp.

<b>Born</b>	28 October 1969 in Prijedor, Bosnia and Herzegovina
<b>Indictment</b>	Initial: 21 July 1995; consolidated: 21 November 2002
<b>Arrested</b>	8 November 2001, by Serbian authorities
<b>Transferred to ICTY</b>	9 November 2001
<b>Initial appearance</b>	16 November 2001, pleaded not guilty to all charges
<b>Guilty plea</b>	26 June 2003, pleaded guilty to persecutions
<b>Trial Chamber sentencing judgement</b>	28 October 2003, sentenced to 8 years' imprisonment
<b>Sentence served</b>	28 July 2004, transferred to France to serve the remainder of his sentence; credit was given for time served since 9 November 2001; early release granted on 3 September 2008

## STATISTICS

As the plea agreement was reached before the beginning of trial, no trial was necessary.

TRIAL CHAMBER SENTENCING JUDGEMENT	
<i>28 October 2003</i>	
Trial Chamber III	Judge Patrick Robinson (presiding), Judge Richard May, Judge O-Gon Kwon
Counsel for the Prosecution	Joanna Korner, Sureta Chana
Counsel for the Defence	Jovan Babić

RELATED CASES	
<i>by geographical area</i>	
BOROVNICA (IT-95-3) "PRIJEDOR"	
BRĐANIN (IT-99-36) "KRAJINA"	
KARADŽIĆ & MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KRAJISNIK (IT-00-39 AND 40) "BOSNIA AND HERZEGOVINA"	
KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA, KERATERM & TRNOPOLJE CAMPS"	
MEJAKIĆ <i>et al.</i> (IT-02-65) "OMARSKA CAMP & KERATERM CAMP"	
MILOŠEVIĆ (IT- 02-54) "KOSOVO, CROATIA & BOSNIA"	
MRĐA (IT-02-59) "VLAŠIĆ MOUNTAIN"	
PLAVŠIĆ (IT-00-39 AND 40/1) "BOSNIA AND HERZEGOVINA"	
SIKIRICA <i>et al.</i> (IT-95-8) "KERATERM CAMP"	
STAKIĆ (IT-97-24) "PRIJEDOR"	
STANIŠIĆ MIĆO (IT-04-79)	
TADIĆ (IT-94-21) "PRIJEDOR"	
ŽUPLJANIN (IT-99-36) "KRAJINA"	
KOVAČEVIĆ & DRLJACA (IT-97-24) "PRIJEDOR"	

## INDICTMENT AND CHARGES

Predrag Banović was initially indicted on 21 July 1995 together with 11 other co-accused - Duško Sikirica, Damir Došen, Dušan Fuštar, Dragan Kolundžija, Nenad Banović, Nikica Janjić, Dušan Knežević, Dragan Kondić, Goran Lajić, Dragomir Šaponja and Nedjeljko Timarac. The indictment against Nikica Janjić was withdrawn after he passed away. The indictment against Dragan Kondić, Goran Lajić, Dragomir Šaponja and Nedjeljko Timarac was withdrawn on 5 May 1998 after it was determined that in view of the Tribunal's overall prosecutorial policy, the accused should be tried in a national court.

During the period between June 1999 and June 2000, three accused were arrested - Dušan Sikirica, Damir Došen and Dragan Kolundžija. Following the guilty pleas entered by each, they were sentenced in November 2001. The accused Predrag Banović was arrested and transferred to The Hague on 9 November 2001.

On 17 September 2002, the Trial Chamber granted a Prosecution Motion for Joinder of Accused and ordered that the indictments against Željko Mejakić, Momčilo Gruban and Duško Knežević (IT-95-4, "Omarska indictment"), and the indictment against Dušan Fuštar, Predrag Banović and Duško Knežević (IT-95-8/1, "Keraterm indictment") be joined and given a common case number. On 21 November 2002, the Trial Chamber ordered that the consolidated indictment attached to the Prosecution's Motion for Joinder of Accused, dated 5 July 2002, be the operative indictment in this case.

On 14 April 2000, following the detention of Dragoljub Prcać, the Trial Chamber joined the trial of Prcać to that of Kvočka *et al.* under the case number IT-98-30/1 (see *Kvočka et al.* case).

On 27 March 2002, the Prosecution filed a motion to withdraw the indictment against Nenad Banović. On 10 April 2002, a hearing was held on the Prosecution motion. The Trial Chamber granted the Prosecution motion and ordered the immediate release of Nenad Banović.

Predrag Banović was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute) with:

- Persecutions on political, racial and religious grounds; inhumane acts; torture (crimes against humanity, Article 5),
- Murder and cruel treatment (violations of the laws or customs of law, Article 3).

## PLEA AGREEMENT/GUILTY PLEA

The Tribunal's Rules of Procedure and Evidence provide for a plea agreement procedure (Rule 62 *ter*). The Prosecutor and the Defence may agree that, upon the accused entering a plea of guilty to the indictment or to one or more counts of the indictment, the Prosecutor can apply to the Trial Chamber to amend the indictment accordingly and ask for a sentence within a specific range or agree to the sentencing range suggested by the Defence. The Trial Chamber is not bound by any such agreement.

On Thursday, 26 June 2003, the Trial Chamber held a hearing and considered a "Joint Motion for Consideration of Plea Agreement between Predrag Banović and the Office of the Prosecutor (OTP)". The motion reflected a negotiated plea agreement whereby the accused would agree to plead guilty to count 1 of the consolidated indictment for persecutions (crimes against humanity). The motion was allowed and Predrag Banović entered a plea of guilty. The sentencing hearing was held on 3 September 2003.

## STATEMENT OF PREDRAG BANOVIĆ

"Your Honours, I have pleaded unequivocally as guilty. My guilty plea was an expression of sincere remorse concerning the events in Prijedor, and especially the Keraterm camp. I gave an interview about my role in this to the investigators of the Tribunal. Today, I wish to add only the following: My arrest and transfer to The Hague, as well as that of my brother, was something I experienced with great fear, mostly because the propaganda was always that The Hague was a place for the quiet murder of the Serbs. Fortunately, very soon, I came to the conclusion that this propaganda was a lie. Through the proceedings up to this point, I have experienced enlightenment. I have gathered the strength to face the truth and myself.

This is why I made the decision to change my plea. I deplore the period of war and hatred, and I regret that I did not find a way to avoid mobilisation and my role in the camp. I feel sorry for all the victims, and I curse my own hands for having inflicted pain in any way on innocent people. I wish my sincere words to be understood as a balm for those wounds and as a contribution to the reconciliation of all people in Prijedor and the restoration of the situation that existed before the war." (Predrag Banović, sentencing hearing, 3 September 2003)

## TRIAL CHAMBER SENTENCING JUDGEMENT

The case against Predrag Banović covers events which occurred in the municipality of Prijedor, located in the north-western region of Bosnia and Herzegovina. Following the overthrow of the municipal Government of Prijedor during the summer of 1992, Bosnian Serb authorities in the Prijedor municipality unlawfully segregated, detained and confined a large number of men, women and children in three major camps, one of which was the Keraterm camp, located in a ceramic factory on the eastern outskirts of the town of Prijedor.

These events were organised and directed by Bosnian Serb authorities in order to carry out a part of the overall objective of the joint criminal enterprise of the Bosnian Serb leadership, namely the permanent forcible removal of non-Serb inhabitants from Prijedor municipality with the aim of ensuring the creation and control of a separate Serbian territory within Bosnia and Herzegovina.

The Keraterm camp began operating on 23 May 1992 and held as many as 1,500 detainees. This camp, amongst others, was operated in a manner designed to abuse and persecute non-Serbs from Prijedor and other areas as a means to rid the territory of or to subjugate those who remained. Interrogations, severe beatings, sexual assaults and killings are said to have taken place on a daily basis at the Keraterm camp. Living conditions were brutal and inhumane.

Predrag Banović was a guard at the Keraterm camp between 20 June 1992 and 6 August 1992. The participation of the accused in the joint criminal enterprise was limited to his activities within the Keraterm camp, which included participation in beatings and abuse of detainees. Detainees at the camp suffered brutal, inhumane and degrading conditions during their confinement, in addition to humiliation, harassment, physical and psychological abuse.

Rooms at the Keraterm camp were overcrowded, detainees often lacked space to lie down or move about. Detainees had no change of clothing or bedding and limited medical care. They were fed grossly insufficient portions of food and had limited access to water. Toilets and personal hygiene facilities were inadequate and in extremely poor condition. The detainees had no opportunity to exercise and were not permitted to go in the open area for fresh air on a regular basis.

Keraterm authorities, as well as so-called "visitors" to the camp, regularly subjected the detainees to severe beatings, interrogations, cruel and humiliating treatment; many were killed. The beatings often took place in full view of the other detainees and were accompanied by humiliating and derogating comments. The beatings caused serious physical and mental harm. Insufficient or no medical care was available after the beatings. Many detainees did not survive the camp.

The accused was a guard and did not hold any rank at the Keraterm camp. However, the accused knew of the system of ill-treatment in the camp, participated in the mistreatment and beating of detainees in the camp, and intended to further this common concerted system of ill-treatment. The accused, amongst others, took part in the beating of detainees at the Keraterm camp, resulting in their death. Specifically, the accused has acknowledged being responsible for participating in five murders listed in the factual basis and the written judgement. In addition, the accused acknowledged his participation in the beating of twenty-seven others.

The Office of the Prosecutor and the Defence had jointly recommended that the Trial Chamber impose a sentence of 8 years' imprisonment. Both parties recognised that the Trial Chamber was not bound by any agreement between the parties on the sentence.

On 28 October 2003, the Trial Chamber rendered its judgement, convicting Predrag Banović on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) of:

- Persecutions on political, racial and religious grounds (crimes against humanity, Article 5).

Sentence: 8 years' imprisonment.

On 28 July 2004, Predrag Banović was transferred to France to serve the remainder of his sentence. Credit was given for the time served since his arrest on 9 November 2001.

On 3 September 2008, Predrag Banović was granted early release.